

(“GML”) (Counts II and III of the complaint, respectively) and dismissing them without prejudice; or, alternatively,

(iii) dismissing plaintiffs’ SEQRA and GML claims with prejudice on the grounds that they fail to state a claim upon which relief may be granted because: (a) the New York Public Authorities Law exempts the Second Avenue Subway project from SEQRA in the circumstances presented here, (b) the SEQRA claim would in any event be barred by the statute of limitations, (c) the defendants are not subject to GML § 51 because they are neither municipalities nor municipal officials, and (d) in any event the complaint does not plead any allegations akin to fraud or embezzlement that would establish a predicate for a GML § 51 claim even if that statute did apply to the defendants; and

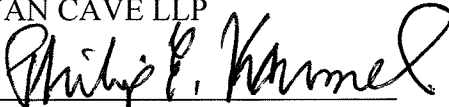
(iv) granting defendants such further and additional relief as the Court may deem just and equitable.

Pursuant to Local Rule 6.1(b), papers in opposition to this motion must be served 14 days after service of the moving papers, or at such other time as may be required by the Court.

Dated: New York, New York
September 1, 2011

Yours, etc.

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